

REMARKS

Claims 1-21 are now currently pending the present application. Claims 1-5, 10-14 and 19 are withdrawn from consideration. Claims 6-9, 15-18, 20 and 21 stand rejected. No claim amendments have been made in the present response. Further reconsideration of the outstanding rejections is requested in view of the following remarks.

Rejection under 35 U.S.C. §102 and 35 U.S.C. §103

Claims 6, 7, 8, 15, 17 and 18 remain rejected under 35 U.S.C. §102(e) as being anticipated by US 2005/0069648 to Maruyama (hereinafter "Maruyama").

Claims 7 and 16 stand rejected under 35 U.S.C. § 103 as being unpatentable over Maruyama, as applied to claims 6 and 15 above.

Applicant traverses each of the outstanding rejections.

The PCT filing date of Maruyama is December 16, 2002. However, when the PCT published on June 26, 2003, it did not publish in English. Therefore, Maruyama cannot be properly applied as an anticipatory reference under 35 U.S.C. §102(e) or 35 U.S.C. §102(a). See MPEP §2136.03(II.).

The Maruyama corresponding PCT publication (WO03051562) could be applied as prior art under 35 U.S.C. §102(a) against the instant application. However, Applicant submits herewith a verified English translation of Applicant's earlier foreign priority application (January 29, 2003) which supports all the claims of the present U.S. application. Thus, Applicant has antedated the publication date of the Maruyama PCT of June 26, 2003 (i.e., the Maruyama PCT publication is not applicable as prior art).

Accordingly, Applicant respectfully requests withdrawal of the outstanding rejections.

In view of the foregoing, Applicant believes the pending application is in condition for allowance. A Notice of Allowance is earnestly solicited.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Monique T. Cole, Reg. No. 60,154 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 
 MaryAnne Armstrong, Ph.D.
Registration No.: 40,069
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachment: Verified English Translation of JP 2003-021009